

REMARKS

In the Office Action, claims 1, 2, 19 and 20 were rejected, claims 3-5, 21 and 22 were objected to by the Examiner, and claims 6-18 and 23-29 were withdrawn from consideration. Applicants thank the Examiner for indicating the allowability of claims 3-5, 21 and 22. Claim 3 has been placed into independent form including all limitations of the base claim and any intervening claims. Accordingly, claim 3 and dependent claims 4 and 5 should be in condition allowance.

By this Reply and Amendment, claims 1, 3 and 19 have been amended, claims 16-18 have been canceled without prejudice, and claims 7-15 and 23-29 remain withdrawn from further consideration as being drawn to a nonelected species. Claims 1-5 and 19-22 remain pending for consideration by the Examiner. All claim amendments are fully supported throughout the written description and figures of the specification.

Claims 1, 2, 19 and 20 were rejected under 35 USC 102(b) as anticipated by the Hoffman reference, US Patent No.: 4,063,427. Independent claims 1 and 19 have been amended to clarify certain aspects of the invention and are patentably distinguishable over the cited reference.

The Hoffman reference discloses a reinforced annular inflatable seal positioned on a jacket J of a supporting leg used in an offshore structure to form a seal with a piling P driven through the jacket. (See column 1, lines 20-25). After positioning the piling within the jacket, a seal is formed in the annular space between the jacket and the piling by an inflatable seal means S positioned on an interior of the jacket and secured thereto. (See column 2, lines 35-55). An inflating fluid is directed through an opening 45 in jacket J to expand the inflatable seal means S into sealing engagement with the piling P. (See column 4, lines 28-35). Accordingly, the Hoffman reference discloses the extension of a seal from a jacket to a piling located radially inward.

However, the Hoffman reference fails to disclose or suggest elements of the currently pending claims related to moving earth material, such as formation material, inwardly towards

the tubing. By way of specific example, the cited reference does not disclose or suggest "bringing earth material of the subterranean wellbore wall inwardly towards the tubing" as recited in amended, independent claim 1. Similarly, the reference does not disclose or suggest "the sealing unit adapted to move a wall of the earth material inwardly towards the tubing" as recited in amended, independent claim 19. Accordingly, the rejection based on the Hoffman reference should be removed.

Claims 2 and 20 directly depend from independent claims 1 and 19, respectively. Accordingly, those claims are patentably distinguishable over the cited reference for the reasons provided above with respect to the corresponding independent claims, as well as for the unique subject matter recited in the dependent claims.

Claims 1, 2, 19 and 20 were rejected under 35 USC 102(b) as anticipated by the Chestnut et al. reference, US Patent No.: 3,727,685, or the Brooks reference, US Patent No.: 3,399,724. Independent claims 1 and 19 have been amended to clarify certain aspects of the invention and are patentably distinguishable over the cited reference.

The Chestnut et al. reference discloses a method of removing partially collapsed or deformed tubing from a wellbore. According to the disclosure, in abnormal circumstances, a collapse 30 can occur in a well casing such that a restriction 31 develops along a tubing string 16. (See column 2, lines 37-42). The method describes a way of cutting the tubing to retrieve the remainder of tubing string 16 from the well casing 14. (See column 3, lines 27-33).

The Brooks reference discloses a method of acoustic treatment of pipe strings stuck within wells. The drill string comprises joints of drill pipe 7 that become stuck within the well "by reason of sloughing or caving in of the borehole with the result that earth material 32 securely binds the drill string" such that the drill string cannot be rotated. (See column 2, line 69, through column 3, line 7).

Both the Chestnut et al. and the Brooks references disclosed inadvertent collapses of a wellbore that trap a tubing string or drill string. However, neither reference discloses or suggests

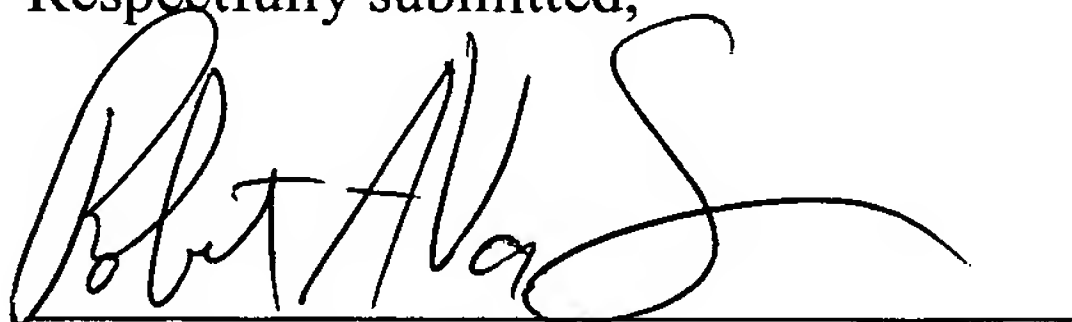
the selective movement of earth material around a tubing in a wellbore. Specifically, the cited references do not disclose or suggest "selectively bringing" earth material of the subterranean wellbore wall inwardly towards the tubing as recited in amended, independent claim 1. Similarly, the references do not disclose or suggest "the sealing unit adapted to move a wall of the earth material inwardly towards the tubing" as recited in amended, independent claim 19. Accordingly, the rejection based on the Chestnut et al. and Brooks references should be removed.

Claims 2 and 20 directly depend from independent claims 1 and 19, respectively. Accordingly, those claims are patentably distinguishable over the cited references for the reasons provided above with respect to the corresponding independent claims, as well as for the unique subject matter recited in the dependent claims.

In view of the foregoing remarks, the pending claims are believed patentable over the cited references. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Date: October 19, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Van Someren", written over a horizontal line.

Robert A. Van Someren
Reg. No. 36,038

PO Box 2107
Cypress, TX 77410-2107
Voice: (281) 373-4369